

LISTING OF CLAIMS

1. (Currently Amended) An apparatus for scalable encoding of a spectrum of a signal including audio and/or video information, with the spectrum comprising binary spectral values, the apparatus comprising:

Means a generator (102)—for generating a first sub-scaling layer using bits of a certain order of a first number of the binary spectral values in a band, with the first number being greater or equal to 4^{*1} and less than a total number of the binary spectral values in the band, and for generating a second sub-scaling layer using bits of the certain order of a second number of the binary spectral values, with the generator means for generating—being implemented so as to select the second number of the binary spectral values, such that the number is greater than or equal to 4^{*1} and less than the total number of the binary spectral values in the band, and to further determine the second number of the spectral values, such that the number comprises at least one binary spectral value which is not contained in the first number of binary spectral values; and

Means a former (106)—for forming an encoded signal, with the means for forming former being implemented so as to include the first sub-scaling layer and the second sub-scaling layer into the encoded signal such, that the first and the second sub-scaling layer (413a, 413b) are separately decodable from each other.

2. (Currently Amended) The apparatus in accordance with claim 1, further comprising:

a full-scaling layer generator means for generating a full-scaling layer using all bits with an order, which is different from the certain order, in the band, and

with the means for forming former (106)—being further implemented, so as to include the full-scaling layer in the bit stream, such that it is independently decodable from the first and the second sub-scaling layer (413a, 413b).

3. (Currently Amended) The apparatus in accordance with claim 1, wherein the binary spectral values are quantized, with the apparatus further comprising:

a calculator~~means~~ (84) for calculating orders of most significant bits of a psycho-acoustic masking threshold for the bands; and

a definer ~~means~~ (604) for defining scaling layers of the bits of the binary spectral values, with a scaling layer comprising bits of the binary spectral values, the orders of which are in a certain difference to the orders of the most significant bits of the psycho-acoustic masking threshold for the bands or the orders of which are equal to the orders of the most significant bits of the psycho-acoustic masking threshold for these bands.

4. (Currently Amended) The apparatus in accordance with claim 3,

wherein the ~~means~~ (102) ~~for generating generator~~ the first and the second sub-scaling layers (113a, 113b) ~~being is~~ implemented so as to use as bits of a certain order the bits of the binary spectral values, the difference of which to the order of the most significant bits of the psycho-acoustic masking threshold in the band is equal to "+1", "0" and/or "-1".

5. (Currently Amended) The apparatus in accordance with claim 3,

wherein the ~~means~~ (84) ~~for calculating calculator~~ the orders of the most significant bits of the psycho-acoustic masking threshold ~~being is~~ implemented so as to determine for each spectral value in the band an order of a most significant bit or to determine an order of a most significant bit of the psycho-acoustic masking threshold for the entire band.

6. (Currently Amended) The apparatus in accordance claim 3, wherein the ~~means~~ (106) ~~for forming former~~ is further implemented so as to include information on the psycho-acoustic masking threshold as side information (110) into the encoded signal.

7. (Currently Amended) The apparatus in accordance claim 1,

wherein the first sub-scaling layer is decodeable prior to the second sub-scaling layer, and

wherein the means ~~(102) for generating generator~~ the first and second sub-scaling layer is implemented so as to select for the first number of the binary spectral values the spectral value(s), by which a maximum precision gain for the band may be achieved.

8. (Currently Amended) The apparatus in accordance with claim 1,

wherein the first sub-scaling layer is decodeable prior to the second sub-scaling layer, and

wherein the means ~~(102) for generating generator~~ the first and the second sub-scaling layers is implemented so as to use for the first sub-scaling layer the binary spectral value which, represented by the bits in higher scaling layers, comprises the greatest difference to a psycho-acoustic masking threshold for the spectral value in the band.

9. (Currently Amended) The apparatus in accordance with claim 1,

wherein the means ~~(102) for generating generator~~ the first and the second sub-scaling layers is implemented so as to use for the first sub-scaling layer the binary spectral value which, represented by the bits in higher scaling layers, is the smallest quantized spectral value in the band.

10. (Original) The apparatus in accordance with claim 1,

wherein the spectral values have been generated by an integer MDCT from time-sampled values of the signal.

11. (Currently Amended) The apparatus in accordance with claim 1, wherein the spectral values have been quantized using a psycho-acoustic and/or psycho-optical model ~~(82)~~.

12. (Currently Amended) The apparatus in accordance with claim 11,
wherein the means ~~(102) for generating generator~~ a first and a second sub-scaling layer is implemented so as to use a constant certain order of bits in the bands.
13. (Original) The apparatus in accordance with claim 11,
wherein the certain order includes the least significant order of the bits of the quantized binary spectral values.
14. (Currently Amended) The apparatus in accordance with claim 1,
wherein a band comprises m spectral values,
with m is being greater than or equal to "2", and
wherein the means ~~(102) for generating generator~~ the first and the second sub-scaling layer is implemented so as to calculate the first and second number of sub-scaling layers, such that they are at a maximum equal to m and at a minimum equal to 4_{-1} , wherein, in the case, in which m sub-scaling layers are present, each sub-scaling layer includes a bit of the certain order of exactly one spectral value, with one spectral value being present only in exactly one sub-scaling layer for the certain order.
15. (Currently Amended) The apparatus in accordance with claim 14, wherein m is equal to "4".
16. (Currently Amended) The apparatus in accordance with claim 1,
wherein the means ~~(102) for generating generator~~ the first and the second sub-scaling layer is implemented so as to carry out an arithmetical encoding of the first and/or second number of bits of the quantized spectral values of the certain order.

17. (Currently Amended) An apparatus for scalable decoding an encoded signal comprising a first and a second sub-scaling layer, with the first sub-scaling layer comprising bits of a certain order of a first number of binary spectral value in a band, with the second sub-scaling layer comprising bits of the certain order of a second number of binary spectral values in the band, and with the second number comprising at least one spectral value not contained in the first number, the apparatus comprising:

~~means an extractor (704) for extracting the first sub-scaling layer from the encoded signal and the second sub-scaling layer from the encoded signal;~~
and

~~means a processor for processing the first sub-scaling layer and the second sub-scaling layer so as to determine the bits of the certain order of the binary quantized spectral values in the band.~~

18. (Currently Amended) The apparatus in accordance with claim 17,

wherein the first number of the binary spectral values for the first sub-scaling layer is selected so as to achieve a maximum precision gain for a band,

wherein the ~~means extractor (704) for extracting~~ is implemented so as to extract the first sub-scaling layer prior to the second sub-scaling layer.

19. (Currently Amended) A method for scalable encoding a spectrum of a signal including audio and/or video information, with the spectrum comprising binary spectral values, the method comprising ~~the following steps:~~

generating (102) a first sub-scaling layer using bits of a certain order of the first number of binary spectral values in a band, with the first number being greater than or equal to 4ⁿ1 and less than a total number of the binary spectral values in the band, and ~~for generating a second sub-scaling layer using bits of the certain order of a second number of binary spectral values, wherein the means (102) for generating is implemented so as to~~

the step of generating comprising selecting a second number of the binary spectral values, such that the number is greater than or equal to $1/2$, and less than the total number of the binary spectral values in the band, and to determining the second number of the spectral values further such, that the number comprises at least one binary spectral value, which is not contained in the first number of binary spectral values; and

~~forming (106) an encoded signal, with the means for forming being implemented so as to the step of forming including~~ the first sub-scaling layer and the second sub-scaling layer into the encoded signal such, that the first and the second sub-scaling layers (113a, 113b) are separately decodable from each other.

20. (Currently Amended) A method for scalable decoding an encoded signal comprising a first and a second sub-scaling layer, with the first sub-scaling layer comprising bits of a certain order of a first number of binary spectral values in a band, with the second sub-scaling layer comprising bits of the certain order of a second number of binary spectral values in the band, and wherein the second number comprising at least one spectral value not contained in the first number, the method comprising ~~the following steps:~~

extracting (704) the first sub-scaling layer from the encoded signal and the second sub-scaling layer from the encoded signal; and

processing the first sub-scaling layer and the second sub-scaling layer so as to determine the bits of the certain order of the binary quantized spectral values in the band.

21. (Currently Amended) Computer- A computer memory device having stored thereon a computer program having a program code for carrying out, when the program executes on a computer, the a method in accordance with claim 19 or claim 20, when the program executes on a computer of scalable encoding a spectrum of a signal including audio and/or video information, with the spectrum comprising binary spectral values, the method comprising:

generating a first sub-scaling layer using bits of a certain order of the first number of binary spectral values in a band, with the first number being greater than or equal to „1“ and less than a total number of the binary spectral values in the band, and generating a second sub-scaling layer using bits of the certain order of a second number of binary spectral values, the step of generating comprising selecting a second number of the binary spectral values, such that the number is greater than or equal to „1“ and less than the total number of the binary spectral values in the band, and determining the second number of the spectral values further such, that the number comprises at least one binary spectral value, which is not contained in the first number of binary spectral values; and

forming an encoded signal, the step of forming comprising including the first sub-scaling layer and the second sub-scaling layer into the encoded signal such that the first and the second sub-scaling layers are separately decodeable from each other.

22. (Currently Amended) Computer-A computer memory device having stored thereon a computer program having a program code for carrying out the method in accordance with Claim 28, when the program executes on a computer, a method of scalable decoding an encoded signal comprising a first and a second sub-scaling layer, with the first sub-scaling layer comprising bits of a certain order of a first number of binary spectral values in a band, with the second sub-scaling layer comprising bits of the certain order of a second number of binary spectral values in the band, and wherein the second number comprising at least one spectral value not contained in the first number, the method comprising:

extracting the first sub-scaling layer from the encoded signal and the second sub-scaling layer from the encoded signal; and

processing the first sub-scaling layer and the second sub-scaling layer so as to determine the bits of the certain order of the binary quantized spectral values in the band.